

REMARKS

Claims 1-12 are pending in this application. Claims 1-3 are herein amended. Claims 4-12 are herein added. No new matter has been presented.

Claims 1 and 2 are herein amended to provide further clarification of the patentable subject matter.

Support for newly amended claim 3 may be found in the application specification, as originally filed, for example see paragraph [0015].

Support for new claims 4-12 may be found in the application specification, as originally filed, for example see paragraphs [0006], [0011], [0012], [0015] and Figure 1.

Claim Rejections under 35 USC §112

Claims 1-3 were rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse this rejection.

Claims 1-3 are herein amended for clarification. This rejection is now rendered moot, in light of the amendment to the claims. Favorable reconsideration is earnestly solicited.

Claim Rejections under 35 U.S.C. §102(b)

Claims 1-2 were rejected under 35 U.S.C. §102(b) as being anticipated by Mitchell et al. (US 5,294,513). Applicants respectfully traverse this rejection.

Mitchell discloses a process for preparing dry, free-flowing encapsulated electrostatographic toner particles which comprises preparing a core material, encapsulating discrete portions of the core material in shells by interfacial polymerization of reactive

components in an aqueous dispersion, and subjecting the outer surfaces of the shell to a treatment to render the shell hydrophobic. See Mitchell, Col. 2, lines 34-43. Thus, the toner disclosed by Mitchell is surrounded by a hydrophobic shell.

In the presently claimed composition, the coloration agent for use in ceramic articles is separated from shot waste. Thus, in the presently claimed composition, there is no hydrophobic shell.

Accordingly, the presently claimed invention is not anticipated by Mitchell. Favorable reconsideration is earnestly solicited.

Claim Rejections under 35 USC §103(a)

Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frame (US 5,278,111) in view of Strange (US 4,369,062). Applicants respectfully traverse this rejection.

The Examiner asserts in the Office Action that Strange discloses a method of using shot waste by mixing iron dust separated from shot waste with clay to form briquettes.

However, the clay in Strange is merely an additive agent or an auxiliary substance. As can be seen from the examples of Strange, the proportion of clay, *i.e.* bentonite, is very little (2%). See Strange, Col. 1, line 65-Col. 2, line 5.

On the other hand, the color developing clay of the presently claimed invention is a major component of the composition. Strange does not disclose, teach, suggest or provide any reason

for using a color developing clay as a major component. Thus, Applicants' claimed composition is unobvious over Strange.

Furthermore, Frame discloses a process wherein electric arc furnace (EAF) dust is first heated, so as to be calcinated, and then mixed with a brick raw material prior to shaping the material into bricks and then firing.

The deficiency in Strange, as discussed above, is not overcome by the disclosure of Frame. Therefore, the presently claimed composition is an unobvious over France in view of Strange. Favorable reconsideration is earnestly solicited.

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §112, 35 U.S.C. §102 and 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

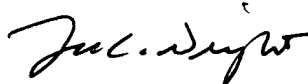
Application No. 10/598,240
Art Unit 1793

Amendment under 37 C.F.R. §1.111
Attorney Docket No. 062933

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Lee C. Wright", is positioned above the printed name.

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